

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

22-09843 BKOBJ01
BROCK & SCOTT, PLLC
302 Fellowship Rd, Suite 130
Mount Laurel, NJ 08054
(844) 856-6646
Attorneys for Wells Fargo Bank, N.A.

In Re:

BRIAN J. ASHMORE a/k/a BRIAN ASHMORE
THERESA M. ASHMORE

Case No: 22-13953MBK

Hearing Date: January 25,
2023

Judge: MICHAEL B.
KAPLAN

Chapter: 13

OBJECTION TO DEBTORS' MOTION OBJECTING TO PROOF OF CLAIM

COMES NOW, Wells Fargo Bank, N.A., ("Creditor") by and through undersigned counsel, and hereby objects to the Debtors' Motion Objecting to Proof of Claim [Doc. 51] filed on December 16, 2022 and in support thereof, shows unto the Court as follows:

1. Creditor filed its secured Proof of Claim (No. 5-1) on August 4, 2022 reflecting arrears totaling \$3,054.39 owed to Creditor.
2. Enclosed with the Proof of Claim was an Escrow Analysis dated July 25, 2022 which delineates the \$3,059.39 in projected escrow shortage that was included in Part 3 of the 410A form for Arrearage as of Date of the Petition.
3. Part 2 of the Escrow Analysis explains that a \$3,059.39 adjustment was made to the calculation of the monthly escrow payment that is a part of the regular post-

petition monthly mortgage payments because that amount should be paid through the confirmed bankruptcy plan rather than through regular monthly mortgage payments.

4. Because the projected escrow shortage is to be paid through the Chapter 13 Plan rather than the monthly mortgage payments, the Debtors' instant Motion must be denied as to the Creditor, Wells Fargo Bank, N.A.'s secured Proof of Claim.

WHEREFORE, Creditor respectfully requests that this Honorable Court enter an Order denying Debtors' Motion Objecting to Creditor's Proof of Claim, and for any other relief the Court deems just and proper.

This is the 27th day of December, 2023

/s/ Matthew Fissel

Matthew Fissel

(Bar No. 038152012)

Attorney for Creditor

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CERTIFICATION OF SERVICE

1. I, Cassondra Emanuel:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for BROCK & SCOTT, PLLC, who represents Wells Fargo Bank, N.A. in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On December 28, 2022, I sent a copy of the following pleadings and/or documents to the parties listed below:

OBJECTION TO DEBTOR'S MOTION OBJECTING TO PROOF OF CLAIM

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: December 28, 2022

/s/ Cassondra Emanuel
Cassondra Emanuel

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
BRIAN J ASHMORE 42 DENAMAR DRIVE MATAWAN, NJ 07747	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
THERESA M ASHMORE 42 DENAMAR DRIVE MATAWAN, NJ 07747	Joint Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
PAUL N. MIRABELLI LAW OFFICE OF PAUL N. MIRABELLI 3400 HIGHWAY 35 PO BOX 378 HEZLET, NJ 07730	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

<p>Albert Russo Chapter 13 Standing Trustee CN 4853 Trenton, NJ 08650-4853</p>	<p>Chapter 13 Trustee</p>	<p><input type="checkbox"/> Hand-delivered</p> <p><input type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/RR</p> <p><input type="checkbox"/> E-mail</p> <p><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)</p> <p><input type="checkbox"/> Other _____ (as authorized by the court *)</p>
<p>U.S. Trustee Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102</p>	<p>US Trustee</p>	<p><input type="checkbox"/> Hand-delivered</p> <p><input type="checkbox"/> Regular mail</p> <p><input type="checkbox"/> Certified mail/RR</p> <p><input type="checkbox"/> E-mail</p> <p><input checked="" type="checkbox"/> Notice of Electronic Filing (NEF)</p> <p><input type="checkbox"/> Other _____ (as authorized by the court *)</p>

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.